

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Baraka Ramos, #168930,)	
)	C/A No.: 4:06-2236-MBS
Plaintiff,)	
)	
vs.)	
)	
Donna Elder, Solicitor; James Galmore,)	
Public Defender; and John Breeden,)	ORDER
Judge,)	
)	
Defendants.)	
)	

At the time of filing of the complaint, Plaintiff Baraka Ramos was a pre-trial detainee housed at the J. Reuben Long Detention Center in Conway, South Carolina. Plaintiff, appearing pro se, brings this action under 42 U.S.C. § 1983, alleging that he is being detained unfairly.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act of 1996. On September 11, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the action be summarily dismissed without prejudice and without issuance and service of process.

On September 21, 2006, the envelope containing Plaintiff's copy of the Report and Recommendation was returned to the Office of the Clerk of Court marked "Refused." The court ascertained from the South Carolina Department of Corrections website that Plaintiff had been moved to Kirkland Correctional Institution in Columbia, South Carolina. On October 6, 2006 a copy of the Report and Recommendation was sent to Plaintiff at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, South Carolina 29210. The Clerk's Office subsequently located an

address for Plaintiff at Lieber Correctional Institution. Thus, on November 2, 2006, the Clerk's Office also forwarded a copy of the Report and Recommendation to Plaintiff at Lieber Correctional Institution, Post Office Box 205, Ridgeville, South Carolina 29472. Neither envelope containing a copy of the Report and Recommendation has been returned to the Clerk's Office. Plaintiff has filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

November 30, 2006

Columbia, South Carolina